

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALEM DISTRICT OFFICE

**DECISION RECORD FOR THE
Fish Log Donation Environmental Assessment Project**

The Bureau of Land Management (BLM), Marys Peak Resource Area, completed an environmental analysis for the Fish Log Donation Project (Environmental Assessment number OR-080-01-19). Approximately seventy-five Douglas-fir trees (including eight down logs) would be felled and hauled to sites for stream restoration purposes on private land. The affected environment, proposed action and potential environmental consequences of the proposed project and associated activities are described in the Fish Log Donation Environmental Assessment (EA). The EA and Finding of No Significant Impact (FONSI) were made available for public review from June 27 to July 27, 2002.

The proposal complies with relevant laws, regulations and management plans for managing BLM administered lands, including the following.

- Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M ROD, January 2001) and the Final Supplemental Environmental Impact Statement For Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M FSEIS, November 2000), Results and Implementation Table 1-1 (June 14, 2002) (2001 Survey and Manage Annual Species Review).*
- Salem District Record of Decision and Resource Management Plan (ROD/RMP, May 1995).*
- Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (ROD, April 1994) and the Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (SEIS, February 1994).*
- Salem District Proposed Resource Management Plan/Final Environmental Impact Statement (PRMP/FEIS, September 1994).*

The EA is tiered to the aforementioned environmental documents. All of these documents may be reviewed at the Salem District BLM office, Marys Peak Resource Area, 1717 Fabry Rd. SE., Salem Oregon. Office hours are Monday through Friday, 7:30 AM to 4:00 PM, closed on holidays.

Decision Record

I have decided to implement the selected action as described in the Fish Log Donation Project EA proposed action and project design features. The proposed project areas are located in Township 14 S., Range 07 W., section 17, and Township 14 S., Range 08 W., Sections 11, 27, 28, and 29. Trees would be flown directly to the South Fork Alsea River (site #5). The remainder of trees would be hauled by truck to stream sites. The following is a list of sites and their respective watersheds:

Site #1- Bummer Creek, Upper Alsea, T. 14 S., R. 8 W., Sec. 25;

Site #2- Miller Creek, Yaquina River T. 11 S., R. 8 W., Sec. 18;

Site #3- Humphrey Creek, Yaquina River T. 10 S., R. 8 W., Sec. 35;

Site #4- Beaver Creek, Ocean Stream, T. 12 S., R. 11 W., Sec. 33;

Site #5- South Fork Alsea River, Upper Alsea, T. 14 S., R. 7 W., Sec. 18 and 7

Site #6- Lobster River, Lobster/ Five Rivers, T. 14 S., R. 9 W., Sec. 26 and 35.

This cooperative effort to improve watershed conditions is a joint endeavor by the BLM and Mid Coast Watershed Council. The federal action analyzed within this Environmental Assessment is the cutting and removal of the trees from federal land in Late-Successional Reserve.

Decision Rationale

My decision to implement the proposed action is based on the primary goals of the project to assist in restoring and improving the ecological health of the watersheds and aquatic systems. The actions are proposed as means of implementing the watershed restoration component of the Northwest Forest Plan Aquatic Conservation Strategy. Watershed restoration is an integral part of the federal strategy to recover fish and riparian habitat and to improve water quality. Alternative 2 (no action) was not chosen because it would result in continued low stream habitat complexity on adjacent private lands.

A FONSI was issued with the original EA. My conclusions in the FONSI have not changed. I have determined that neither a supplement to the EA nor a change to the Finding of No Significant Impact.

Public Involvement/Coordination/Consultation

Scoping

Efforts to involve the public in planning for the proposed action were as follows:

- ! The general area was allocated Late-Successional Reserve in the ROD and ROD/RMP. These documents were widely circulated in the state of Oregon and elsewhere, and public review and comment were requested at each step of the planning process.

! A legal notice announcing availability of the EA for public review and comment was submitted to the *Corvallis Gazette-Times* and published on June 27, 2002. The FONSI/EA was open for comment from June 27 through July 27, 2002.

! The EA and FONSI have been available for review on the internet at Salem BLM's website, <http://www.or.blm/salem> (under Planning) since June 27, 2002.

Comments

No comments from the public were received.

Consultation

This project was partially designed by the United States Fish and Wildlife Service (service) and has been determined *Not likely to adversely* affect *bald eagles, northern spotted owls or marbled murrelets* by the Level One Wildlife Team. A Letter of Concurrence from the service is pending. No work shall commence until the Letter of Concurrence is received by the BLM.

This project meets the terms and conditions set forth in *The Incidental Take Statement for Programmatic Biological Opinion Covering U.S. Forest Service and Bureau of Land Management Administrative Units Within the Coast Range Province, Oregon* (December 21, 2001) for Coastal Coho Salmon, as issued by National Marine Fisheries Service.

Conclusion

As Field Manager of the Marys Peak Resource Area, I reviewed the record for this proposed project and have decided to implement Alternative 1, the proposed action as described in the EA. A Finding of No Significant Impact was signed on June 27, 2002. The conclusions reached in that document have not changed.

Right to Appeal

This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days from the date of this decision. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a

stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If no appeal is received by the close of business (4:00 p.m. Pacific Standard Time) on August 29, 2002, this decision will be implemented.

Contact Person: For additional information concerning this decision or the BLM appeal process, contact Belle Smith, (503) 315-5984 Marys Peak Field Office, 1717 Fabry Road SE, Salem, Oregon 97306.

Responsible Official Cindy Enstrom Date 7/24/02

Cindy Enstrom
Field Manager
Marys Peak Resource Area, Salem District
Bureau of Land Management
1717 Fabry Road SE
Salem, OR 97306